IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 824(M/B)2003

Central Himalayan Land Development
Co. Ltd. And two others. …….. Petitioners

Versus

District Magistrate, Almora
and others …….. Respondents

Mr. V.K. Bisht, & Mr. Arvind Vashishtha Advocats, for the petitioners
Mr.N.B. Tiwari for the State
Mr. J.P.Joshi, for the respondent no.3.

Coram: Hon. S.H. Kapadia, C.J.
Hon. Rajesh Tandon, J.
Dated: 05.09.2003:

PC:

The petitioner is aggrieved by the action taken by the respondent no.2 under which the petitioner is restrained from installing tube wells.

Having regard to the provisions of the Kumaon and Garhwal Water(Collection, Retention and Distribution) Act, 1975 and in particular section 6 thereof, we do not wish to interfere under Article 226 of the Constitution.

U/s 6 of the no Act person shall construct water channel, tank, reservoir or water mill and no person shall install pumping machine, pipe line or water mill without permission of the Sub Divisional Officer. We are, therefore, directing the petitioner to apply for such permission within one week from today. Thereafter, the S.D.O. will decide in accordance with law whether to grant such permission or not. If, the S.D.O. decides not to grant permission, he will give reasons.

The petition is disposed of.

(Rajesh Tandon,J.) **(S.H. Kapadia, C.J.)**

AK.